

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

*Pending in the United States District Court
for the District of Connecticut,
No. 3-04-CV-1881 RNC:*

APPLERA CORPORATION,

Plaintiff,

No. C 05-80231 PJH MISC/
C 05-80232 PJH MISC

v.
BIORAD LABORATORIES, INC., MJ
RESEARCH, INC., AND STRATAGENE,

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION AND CLOSING
CASES**

Defendants.

The court has reviewed Magistrate Judge Zimmerman's November 9, 2005 Report and Recommendation Re: non-party, Roche Molecular System's motion to quash a non-party subpoena and for protective order (05-80231 MISC) and motion for expenses and fees in connection with non-party subpoenas (05-80232 MISC). Objections were due November 28, 2005, and no objections have been filed. The court finds the Report correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the court DENIES Roche's motions, subject to the Magistrate Judge's November 9, 2005 discovery order.

This order fully adjudicates these matters and terminates all other pending motions. The clerk shall close the files.

IT IS SO ORDERED.

Dated: December 8, 2005



PHYLLIS J. HAMILTON
United States District Judge

cc: Wings, Assigned M/J